

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.12130 OF 2015

Nita w/o Ramkrishna Ahire @
Nita d/o Prakash Thakur
Age 37 years, Occ. Household,
R/o Dongaon (Bk.), Tq. Dharangaon,
District Jalgaon ... PETITIONER

VERSUS

1. District Collector, Jalgaon,
District Jalgaon.
2. Sub Divisional Officer, Jalgaon,
District Jalgaon

(Copies of respondent No.1 & 2
to be served through office of
Government Pleader, Bombay
High Court, Bench at Aurangabad)
3. Dongaon Village Panchayat,
Dongaon (Bk.), Tq. Dharangaon,
District Jalgaon,
through its Gramsevak
4. Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar
through its Member Secretary ... RESPONDENTS

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Shri M.S. Deshmukh, Advocate for petitioner
Mrs. A.V. Gondhalekar, A.G.P. for State
Shri P.S. Patil, Advocate for respondent No.4
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CORAM: R.M. BORDE AND
 A.I.S. CHEEMA, JJ.

DATED: 15th December, 2015.

ORAL JUDGMENT (PER R.M. BORDE, J. :

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for respective parties at admission stage.

2. The petitioner is objecting to the order passed by the Scrutiny Committee, directing invalidation of the caste certificate issued in her favour and further granting her liberty to obtain certificate in the prescribed proforma in her maiden name and to submit it for verification.

3. The facts giving rise to the instant petition are similar to the facts of decided matter between **Smt. Laxmibai w/o Balaji Darshewad Vs. The State of Maharashtra & others** (Writ Petition No.6620 of 2015, decided on 24.11.2015. For the reasons recorded in the judgment decided by us referred above, the instant petition also deserves and same is allowed in the

following terms :

(a) The petitioner shall tender an application to the Scrutiny Committee for issuance of certified/ photostat copy of the caste/ tribe certificate, produced by her for verification before the Scrutiny Committee, within a period of two weeks from today.

(b) On receipt of the application, the Scrutiny Committee shall issue certified/ photostat copy of the caste/ tribe certificate, produced by the petitioner for verification, within a period of one week.

(c) On receipt of certified/ photostat copy of the caste/ tribe certificate, same shall be tendered by the petitioner along with an application to the Sub Divisional Officer, Nanded, within a period of two weeks from the date of its receipt.

(d) The Sub-Divisional Officer shall issue caste/ tribe certificate, as requested by the petitioner without embarking upon further inquiry into the matter in Form "C" describing correct tribe of the petitioner i.e. "Thakur" S.T., within a period of three weeks from the date of receipt of the application.

(e) On receipt of the caste/ tribe certificate from the Sub Divisional Officer, the petitioner shall produce the same before Scrutiny Committee for verification within a period of four weeks together with proposal in prescribed proforma.

(f) On receipt of the proposal, the Scrutiny Committee shall take appropriate decision in respect of validation of tribe certificate of the petitioner, as expeditiously as possible, preferably within a period of one year.

(g) During pendency and final disposal of proposal by the Scrutiny Committee, no adverse action shall be taken against the petitioner on the ground of invalidation of her caste certificate.

4. Rule is accordingly made absolute. There shall be no order as to costs.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)